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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA

No. CR 05-00130 DLJ

V.

WILBERT WILLIAMS,

Defendants.

UNITED STATES OF AMERICA.

No. CR 05-00131 DLJ

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KENNETH ALLEN and
WILBERT WILLIAMS.

Defendants.

JOINT MOTION AND [REDACTED]
ORDER TO MODIFY TRIAL DATE
AND EXCLUDE TIME

UNITED STATES OF AMERICA.

No: CR 05-00132 DLJ

v.

WILBERT WILLIAMS.

Defendants.

26 On June 10, 2005, the Court set trial in the above-captioned matters to begin on
27 Monday, August 22, 2005, at 9:00 a.m. Shortly thereafter, counsel for the United States
28 became aware of a scheduling conflict with that date. Counsel for the United States

1 therefore respectfully requests that the beginning date for the trial be moved one day, to
2 Tuesday, August 23, 2005, to ensure continuity of counsel. The United States has
3 consulted with counsel for both defendants, and both of them consent to and join this
4 request. The parties all anticipate that, even with this modification in the trial date, the
5 trial will still be completed before the end of the week. The parties do not request any
6 changes in the pre-trial motions and conference schedule already set.

7 Because the requested modification of the trial date is to provide for continuity of
8 counsel, the parties jointly submit that the one-day period between August 22, 2005, and
9 August 23, 2005, should be excluded from the calculation of time under the Speedy Trial
10 Act. See 18 U.S.C. § 3161(h)(8)(B)(iv). The ends of justice served by excluding that
11 time period outweigh the best interests of the public and the defendants in a speedy trial,
12 in accordance with Title 18, Section 3161(h)(8)(A).

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15 DATED: June 14, 2005

Respectfully submitted,

16 KEVIN V. RYAN
17 United States Attorney

18 /s/ Dana Wagner

19 DANA R. WAGNER
20 Assistant United States Attorney

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1 For the reasons set forth above, the Court finds that the trial date for the above-
2 captioned matters should be moved from August 22, 2005, to August 23, 2005. Also for
3 the reasons set forth above, the Court finds and holds that the ends of justice served by
4 excluding the intervening time outweigh the best interests of the public and the Defendant
5 in the rights set forth under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(A). IT IS
6 THEREFORE ORDERED that the trial date shall be moved to August 23, 2005, at 9:00
7 a.m., and that the time from August 22, 2005, to August 23, 2005, shall be excluded for
8 the purposes of computing time within the Speedy Trial Act.

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10 IT IS SO ORDERED:

11 Dated: June 15, 2005



12 D. LOWELL JENSEN
13 United States District Judge

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